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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,635	09/23/2003	Keiji Kanota	450100-4804.1	2201

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EXAMINER

TRAN, DENISE

ART UNIT PAPER NUMBER

2185

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,635

Applicant(s)

KANOTA ET AL.

Examiner

Denise Tran

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25,27-29,32,33 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27-29,32,33 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/261,335.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicant's amendment filed 2/17/06. Claims 25, 27-29, 32-33 and 37 are presented in the application. Claims 1-24, 26,30-31, 34-36 and 38-53 have been cancelled.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 27-29, 32-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki et al., U.S. Patent No. 6,160,950, hereinafter Shimazaki, in view of Yamamoto et al., U.S. Patent No. 5,815,333, hereinafter Yamamoto.

As per claims 25, 37, Shimazaki teaches the use of an information recording/reproducing apparatus/method comprising:

Storing means including a disc-shaped recording medium (e.g., fig. 6, fig. 12, HDD) which are arrangeable so as to have a logically unified first data area and a logically unified second data area (e.g. figure 6, elements A,B) for storing information signals therein;

Recording means for enabling continuous recording of a first information signal in the first data area and continuous recording of a second information signal in said second area (e.g. figure 6, elements A, B; col. 3, lines 30-55; col. 6, lines 30-35); and

Reproducing means for reproducing the information signals stored in said recording means (e.g., col. 5, line 50 to col. 6, line 25);

Wherein said first data area is an AV data area, said first information signal is an AV information signal, said second data area is a memo data and the second information signal is a memo data information signal (e.g. figure 6, elements A and B and col. 6, lines 30-35);

Wherein said AV information signal and said memo data information signal are recorded in a ring storage structure (e.g. figure 6, elements A and B in a ring storage structure and col. 6, lines 30-35; col. 6, line 23).

Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 27, 28, Shimazaki shows the use of a third data area for storing a third information signal which is audio data and an audio information signal (e.g. figure 6, element C).

As per claim 29, Shimazaki teaches said disc-shaped recording medium is hard disc drive (e.g., fig. 12, HDD). Shimazaki does not specifically show the use of plural

mediums are hard disc drives. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claim 32, Shimazaki does not specifically show the use of wherein the recording means records at least a portion of the information signals recorded in the temporally continuously. "Official Notice" is taken that both the concept and advantages of providing for recording means for recording at least a portion of information signals recorded in a first data area among the plural data areas in the data areas other than the first data area is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include recording means for recording at least a portion of information signals recorded in a first data area among the plural data areas in the data areas other than the first data area to Shimazaki because it would provide for duplication of data, thereby allowing the data stored on the disc to be recovered in case the first area can not be read or written to and it would provide for continuous recording or playback without the loss of data.

As per claims 33, it is an inherent limitation of Shimazaki that the disk is logically unified in response to an actuating input from a user because an actuating input would be the user's command to start to record the data.

4. Applicant's arguments filed 2/17/06 have been fully considered but they are not persuasive.

5. In the remarks, the applicant argued that the present invention records data in discrete files which do not correspond directly with the physical tracks on a recording medium.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., records data in discrete files which do not correspond directly with the physical tracks on a recording medium) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, Shimazaki teaches what in the claims are "Recording means for enabling continuous recording of a first information signal in the first data area and continuous recording of a second information signal in said second area" (e.g. figure 6, elements A, B; col. 3, lines 30-55; col. 6, lines 30-35).

6. In the remarks, the applicant argued that the present invention continuously records AV data in a ring storage structure within the user data area of each file; hence Shimazaki does not disclose "said AV information signal and said memo data information signal are recorded in a ring storage structure" as recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., within the user data area of each file) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, Shimazaki teaches what in the claims are "Recording means for enabling continuous recording of a first information signal in the first data area and continuous recording of a second information signal in said second area" (e.g. figure 6, elements A, B; col. 3, lines 30-55; col. 6, lines 30-35); "Wherein said first data area is an AV data area, said first information signal is an AV information signal, said second data area is a memo data and the second information signal is a memo data information signal" (e.g. figure 6, elements A and B and col. 6, lines 30-35); "Wherein said AV information signal and said memo data information signal are recorded in a ring storage structure" (e.g. figure 6, elements A and B in a ring storage structure and col. 6, lines 30-35; col. 6, line 23). Hence, Shimazaki discloses "said AV information signal and said memo data information signal are recorded in a ring storage structure" as recited in the claims.

7. In the remarks, the applicant argued that neither Shimazaki nor Yamamoto disclose discrete areas within a file for recording AV data and memo data.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., within a file) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, Shimazaki teaches what in the claims are "Wherein said first data area is an AV data area, said first information signal is an AV information signal, said second data area is a memo data and the second information signal is a memo data information signal" (e.g. figure 6, elements A and B and col. 6, lines 30-35); "Wherein said AV information signal and said memo data information signal are recorded in a ring storage structure" (e.g. figure 6, elements A and B in a ring storage structure and col. 6, lines 30-35; col. 6, line 23).

8. Applicant has failed to seasonably challenge the examiner's Official Notices in the previous office action, those limitations are now considered as prior art. MPEP 2144.03.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-4189. The examiner can normally be reached on Monday, Thursday, and an alternate Friday, and an alternate Wed. from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300746-7239 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



D.T.
May 1, 2006